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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,414	02/10/2004	Olav Borgmeier	11138-010	1164

7590 08/03/2006
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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,414

Applicant(s)

BORGMEIER, OLAV

Examiner

Devon C. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,10,13,15,16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 6-7 9 11-12 14 17 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- 1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/25/06 has been entered.
- 2) Claims 5, 8, 10, 13 and 15-18 remain withdrawn as being directed to a non-elected species. Please note that the status identifier of claim 17 is wrong. Claim 17 depends from claim 16 which is withdrawn.

Claim Rejections - 35 USC § 112

- 3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4) Claims 6-7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 and claim 9 recites the limitation "the external magnet arrangement" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation, "in particular" which is indefinite.

Claim Rejections - 35 USC § 102

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

6) Claims 14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ziccardi (3134404) or Marks et al (7055484). The numerals depicted represent the respective documents.

IN re claim 14, Ziccardi and Marks teach a restrictor valve (figure 1, figure 3) arranged in a connecting line (1, 50) and can rotate between an open position and a closed position with a specific residual opening remaining in the closed position.

In re claims 17 and 19, Ziccardi teaches magnet elements.

Claim Rejections - 35 USC § 103

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) Claims 1-2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easter (5413316) in view of Marks et al (7055484).

In re claims 1-2 and 14, Easter provides a vehicle air suspension system comprising: an additional air spring volume (2) with a connecting line (3, 4) which can be connected to a vehicle main air spring volume (10) and with a switching device (5)

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for selective connection or disconnection of the additional air spring volume. Please note that Easter is silent to the specific switching device claimed.

Marks et al teaches a flapper type valve such that effective closure of the connecting line results by use of a Helmholtz effect in a specific region of an excitation frequency.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the suspension of Easter with the valve of Marks merely to provide a valve that has a low noise level and to provide a valve which is reliable.

9) Claims 3-4, 6-7, 9, 11, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easter (5413316) in view of Marks et al (7055484) and further in view of Ziccardi (3134404).

In re claims 3-4, 6-7, 9, 11, 12, 17 and 19, Easter as modified by Marks lacks a magnet arrangement for operating a valve.

Ziccardi teaches a magnet arrangement for operating a similar valve to that of Marks et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the valve of Easter as modified by Marks with a magnet controlled valve as taught by Ziccardi merely to provide a valve with a reduced number of parts that is reliable.

Response to Arguments

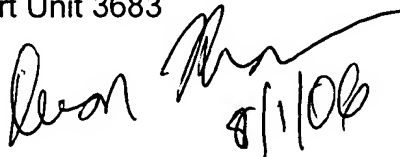
10) Applicant's arguments with respect to claims 1-4, 6-7, 9, 11-12, 14, 17 and 19 have been considered but are moot in view of the new ground(s) of rejection. Please note that claim 14 is extremely broad.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Devon C Kramer
Primary Examiner
Art Unit 3683



Handwritten signature of Devon C. Kramer and date 8/1/06.